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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,535	11/12/2003	Winston Zonh Ho		6896

7590 03/12/2007
Winston Zonh Ho
14541 Langhill Drive
Hacienda Heights, CA 91745

EXAMINER

GORDON, BRIAN R

ART UNIT	PAPER NUMBER
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1743

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/706,535

Applicant(s)

HO, WINSTON ZONH

Examiner

Brian R. Gordon

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12-8-06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 6-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 6-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wegrzyn et al., US 2004/0241872 and further in view of Brewer or in the alternative Shukla et al.

Wegrzyn et al. disclose a system for conducting the method of spectrophotometrically analyzing a plurality of liquid samples (including nucleic acids, see paragraph 0023) by: aspirating the plurality of liquid samples into a corresponding plurality of liquid aspiration and dispensing nozzles 20 in a liquid handling robot 14; passing light through flow cell 22 in each of (transparent) nozzles 20; and spectrophotometrically analyzing the light passing through each of flow cells 22 with spectrophotometer 60. Optionally, the preferred method also includes: moving nozzles 20 on X-Y-Z axes of liquid handling robot 14; and dispensing the plurality of liquid samples from the corresponding nozzles 20; and repeating the aspirating and dispensing of liquid samples to optimize liquid product concentration characteristics based on results of the spectrophotometric analysis (paragraph 0037).

Spectrophotometer 60 is preferably configured to analyze light in the 190 nm to 800 nm range, thus including visible and ultraviolet light (paragraph 0033).

The analysis includes, but is not limited to, nucleic acids and the components thereof, oligonucleotides and the components thereof, antibodies and the components thereof, antibodies and the components thereof, proteins and/or peptides and the components thereof, fluorescent compounds or any other biological, chemical or biochemical or pharmacological samples and the components thereof, cell based reactions and the components thereof, PCR or related technologies and the components thereof, all of which may be in the areas of research and diagnostics, but are not so limited (paragraph 0023).

Wegrzyn et al. does not specify the transparent nozzles comprise plastic.

Shukla et al. discloses a pipette tip. The tube, shown in FIG. 1 as a pipette tip, can be made of any material and in any configuration depending on the specifications of a given experiment. Said tube (1) may enclose a volume from 0.0001 to 100 milliliters. Said tube can be of any shape or size and can be composed of combination of one or more different polymer materials from the group consisting of, but not limited to, polytetrafluoroethylene, polysulfone, polyethersulfone, cellulose acetate, polystyrene, polystyrene/acrylonitrile copolymer and PVDF (Kynar).

Brewer discloses discloses a pipette tip 10 can be made of any inexpensive material or commodity plastic, but is preferably made from a polyolefin, and most preferably made from polyethylene, polypropylene, polyethylene-terephthalate, or polytetrafluoroethylene.

It would have been obvious to one of ordinary skill to manufacture the tip of Wegrzyn et al. from the inexpensive plastic/polymer material as disclosed by Brewer/Shukla in order to reduce the production cost. Furthermore, plastics/polymers are conventionally known in the art as materials of manufacture for dispensers, pipettes, and pipette nozzles.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kawamura, Tatsurou et al.; Gregersen; Soeren; Brookes; Ronald Frederich et al.; Raskas; Eric J.; and Jacobs; Merrit Nyles et al. disclose light detection pipette devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian R. Gordon whose telephone number is 571-272-1258. The examiner can normally be reached on M-F, with 2nd and 4th F off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'BRG', with a long horizontal stroke extending to the right.

brg

BRIAN R. GORDON
PRIMARY EXAMINER